



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

July 10, 2008

9:00 AM

District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair
Shannon Estenoz

Michael Collins
Melissa Meeker

Charles Dauray
Patrick Rooney

Members Absent:

Paul C. Huck Jr.

Jerry Montgomery

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 9:10 am.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Melissa Meeker led the group in the Pledge of Allegiance.

3. **Agenda Addendum** - Annette Carter, Director, Governing Board and Executive Services

Annette Carter, Director, Governing Board and Executive Services read into the record the agenda addendum. Copies were made available to the public.

Ms. Carter announced Regulatory Consent Agenda Item 10, Page 14 #1, Johns Island Oyster Reef Enhancement, Application No. 070925-7 and Regulatory Consent Agenda Item 10, Page 21 #2, Villas of Green Glen II, Application No. 060925-24 have been deleted from the agenda.

4. **Employee Recognitions** - Presented by Carol Wehle, Executive Director

Ms. Wehle recognized Olivia McLean for her service with the District as the Emergency Management Director. Ms. McLean is leaving the District in August.

Ms. Wehle also recognized Francois LaRoche, Senior Science Supervisor and Bert Trammell, Senior Environmental Analyst, who were recognized by the Florida Wildlife Federation. Mr. Laroche was named "Florida Habitat Steward of the Year" for his work leading a team that has cleared melaleuca trees from the Everglades ecosystem. Mr. Trammell was honored as "2008 Land Conservationist" for his work at DuPuis Management Area for restoring native habitat.

Ms. Wehle recognized the June Team and Employee of the Month and July Team and Employee of the Month.

5. Recognition of Governing Board Member - Eric Buermann, Chairman, Governing Board

This item was deleted off the agenda.

6. Abstentions by Board Members from items on the Agenda

Melissa Meeker abstained from Consent Agenda Item 14.

Shannon Estenoz abstained from Discussion Agenda Item 60.

58. Water Resources Advisory Commission (WRAC) Report - Mike Collins, Chair

(Time certain 11:15 a.m.)

Mr. Collins reported on the agenda items discussed at the WRAC meeting held on July 3rd, 2008.

Ms. Estenoz also reported on the concerns of the Miccosukee Tribe of Florida.

Mr. Collins reported that Melissa Meeker has volunteered to Chair the Lake Okeechobee Committee and Mr. Dauray will be Vice Chair.

Consent Agenda

7. Public Comment on Consent Agenda

Public Comment: Alexandria Larsen, citizen, commented on water discharges of Unit 1 in the Acreage/Loxahatchee area and the possibility of flooding.

Mr. Merriam said this agenda item was deleted from the Regulatory Consent Agenda.

Public Comment: Rosa Durando, Audubon Society, commented on water demands of the L-8 tieback canal.

Mr. Merriam provided additional information pertaining to the L-8 tieback canal issues.

Public Comment: Alexandria Larsen, citizen, commented on mitigation of wetlands near Seminole Pratt Whitney Road and also requested the Board challenge staff on District permits.

8. Pull Items for Discussion from Consent Agenda

Ms. Meeker pulled Regulatory Consent Agenda Item 10, Page 12, #1, Application No 070402-3; Key West International Airport Runway Safety Area. This will be Discussion Agenda Item 60.

Ms. Estenoz pulled Consent Agenda Item 15 from the Consent Agenda to the Discussion Agenda.

9. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

10. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Surface Water Management Permit Extensions

Consent Agreements

Environmental Resource Permit Variances

Seminole Tribe Work Plans

Enforcement Actions

Page 1 No 1 Heron Bay North (WU): **Postponed** to August Board

Page 3 No 2 Moore Haven (FKA Ranch Lake Estates): Stormwater Improvement (ERP): **Postponed** to August Board

Page 4 No 2 Bob Paul Main Grove (WU): **Postponed** to September Board

Page 6 No 3 Cooperative Three Incorporated (WU): **Postponed** to August Board

Page 9 No 1 Calusa Creek Tree Farm and Ranch (WU): **Postponed** to August Board

Page 14 No 1 Johns Island Oyster Reef Enhancement (ERP): **Postponed**

Page 17 No 1 Calusa Corners Park (WU Denial): **Removed** from Agenda

Page 18 No 1 Osceola Elementary School and CCPS Admin Center (WU Denial): **Removed** from Agenda

Page 19 No 1 Lazy JP (WU Denial): **Removed** from Agenda

Page 20 No 2 Old Cutler Lakes by the Bay (WU Denial): **Removed** from Agenda

Page 21 No 2 Villas of Green Glen II (WU Denial): **Removed** from Agenda

11. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Relaxation of Standards as allowed under District Rule 40E-6.011(9) F.A.C.

Right of Way Occupancy Permit Requests with Waiver of District Criteria

12. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)
13. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)
14. Approve Water Use Permit Modification and Renewal Application 050429-21 for the City of Port St. Lucie public water supply for the projected water use demands with a 20-year duration (St. Lucie County) (Marjorie Craig, ext 2987)

Melissa Meeker abstained from Consent Agenda Item 14.

16. Approve Water Use Modification and Renewal Permit Application 051128-18 for the Town of Lantana for the proposed water use demands from the Surficial Aquifer System with a 20-year duration (Palm Beach County) (Marjorie Craig, ext 2987)
17. **2008-700** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 12 month cooperative agreement with Polk County for the Southeast Polk County Exploratory Well in an amount not-to-exceed \$600,000, for which ad valorem funds in the amount of \$350,000 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY09 budget; providing and effective date. (Contract Number 4600001460) (Chris Sweazy, ext. 3822)
18. **2008-701** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 15 month contract with the Ecosystem Science and Regional Analysis Laboratory at Auburn University, for the development and application of the Wetland Ecosystem Model for fire ecological investigations, and authorize a Sole Source procurement as an exception to the general standards of competition, in an amount not-to-exceed \$175,000, of which \$61,250 in dedicated funds (Everglades Restoration Trust Fund) is budgeted, and the remainder is subject to Governing Board approval of the FY09 Budget; providing an effective date. (Contract Number 4600001462) (Shili Miao, ext. 6638)

Everglades Restoration Resources

19. **2008-702** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6836)

57. 2008-723 (Added to Consent Agenda)

A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of land interests containing 5.0 acres, more or less, in Lee County, for the Southern Corkscrew Regional Ecosystem Watershed Project; for which unrestricted funds from the sale of an easement to Gulfstream Natural Gas Systems L.L.C. are budgeted within the ad valorem Capital Projects Okeechobee Fund; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)

This item was added to the Consent Agenda. See Resolution No. 2008-723A.

- 21. 2008-704** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a restrictive covenant with the Florida Department of State, Division of Historical Resources over 5.00 acres, more or less, of District owned land in the Everglades Agricultural Area, Deer Fence Stormwater Treatment Area Project, in Hendry County, Florida; providing an effective date. (Bruce Hall, ext. 6541)

- 22. 2008-705** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 4-year and 5-month contract with Florida Power & Light Company to reimburse the District for the cost of the U.S. Army Corps of Engineers design and construction of a betterment for the bridge component of the Tamiami Trail features of the Modified Waters Project in the estimated amount of \$157,509, as revenue to the District; providing an effective date; (Contract Number 4600001454) (Dewey Worth, ext. 3715)

Executive Office

- 23. 2008-706** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against The Palms At Forest Hills, LLC and Maxx Properties, LLC in the 17th Judicial Circuit in and for Broward County regarding unpermitted water use and other violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, and against any other appropriate or necessary parties in the appropriate court; providing an effective date. (Michael Compagno, Ext. 6842)
- 24. 2008-707** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Miramar No. 1, LLC and New Urban Mirabella, LLC, in the 17th Judicial Circuit in and for Broward County regarding non-compliance with Environmental Resource Permit conditions and other violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, and against any other appropriate or necessary parties in the appropriate court; providing an effective date. (Michael Compagno, Ext. 6842)

- 25. 2008-708** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Ciudadmar Investment, Inc., and any other appropriate or necessary parties, in Monroe County Circuit Court or other appropriate forum, regarding non-compliance with Environmental Resource Permit conditions and other violation of Chapter 373, Florida Statutes, and Chapter 40E, Florida Administrative Code, at the property located at 97801 Overseas Highway, Sections 5 & 6, Township 62 South, Range 39 East, Monroe County, Florida. (Alison Kelly, Ext. 2977)
- 26. 2008-709** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Southwind Lakes Homeowners Association, Inc., and any other appropriate or necessary parties, Circuit Court or other appropriate forum, regarding unpermitted water use and other violations of Chapter 373, Florida Statutes, and Chapter 40E, Florida Administrative Code, regarding the property located in Section 27, Township 43, Range 42, Boca Raton, Palm Beach County, Florida. (Alison Kelly, Ext. 2977)
- 27. 2008-710** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Mr. Omar Hernandez, Sunset Landings 208 LLC, Magnolia Lane Condominium Association, Inc., and any other appropriate or necessary parties, in Miami Dade County Circuit Court or other appropriate forum, regarding unpermitted water use and other violations of Chapter 373, Florida Statutes, and Chapter 40E, Florida Administrative Code, at the property located in Sections 33, Township 54, Range 39, Miami Dade County, Florida, known as Magnolia Lane Condominiums. (Chris Pettit, Ext. 6423)
- 28. 2008-711** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against James Carrigan and John Carrigan and any other appropriate or necessary parties, in the 20th Judicial Circuit Court in and for Lee County for violations of Chapter 373 of the Florida Statutes and Chapter 40E-4 of the Florida Administrative Code for unauthorized filling of wetlands on property located off of State Highway 31, Section 13, Township 43 South, Range 25 East, Lee County, providing an effective date. (Doug MacLaughlin, Ext. 2153)

29. **2008-712** A Resolution of the Governing Board of the South Florida Water Management District authorizing and approving the entry into a Stipulation for Final Settlement by and between the District and plaintiffs, Imperial Golf Estates Homeowners Association and Marsilea Villas, LLC, and the entry into and recording of a notice confirming priority of interests, confirming priority of two access easements over a conservation easement which was conveyed to the District by Pulte Home Corporation subject to the pre-existing access easements, in settlement of a multi-count quiet title action entitled Imperial Golf Estates Homeowners Association, Inc. and Marsilea Villas, LLC vs. South Florida Water Management District, Pulte Home Corporation, Milano Recreation Association, Inc., Delasol Homeowners Association, Inc., Racebrook, Inc. and Centex Homes, filed in the 20th Circuit Court for Collier County, Florida, Case No. 07-3906-CA; providing an effective date. (Ed Artau, Ext. 6431)
30. **2008-713** A Resolution of the Governing Board of the South Florida Water Management District authorizing payment of \$73,000.00 for which unrestricted funds, from the sale of an easement to Gulfstream Natural Gas Systems, L.L.C. budgeted within the ad valorem Capital Projects Okeechobee Fund, are available and to approve a budget transfer from Indian River Lagoon-South CERP Project to Land Certification/Restoration Kissimmee Watershed Project, as part of a settlement agreement previously authorized pursuant to Resolution No. 2008-440; providing an effective date. (Michael Compagno, Ext. 6842)
31. **2008-714** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to purchase order #4500010094 with Zenith Infoway, Inc. for a SAP BW Query Designer, in the amount of \$264,180 of which \$40,000 of ad valorem funds are budgeted in FY08 and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date.
- (PO No. 4500010094, Project Manager: Bernardo Camarena, x6421)

Corporate Resources

32. **2008-715** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2007-2008 budget as shown on the attachment hereto; providing an effective date. Project Sponsor: Doug Bergstrom, x6214

Operations and Maintenance

33. **2008-716** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cooperative agreement with 2 one-year renewal options with the United States Department of Agriculture for Brazilian Pepper Biological Control to investigate and develop potential bio-control agents and monitor their establishment and impact in Florida, in the amount of \$549,390 of which ad valorem funds of \$49,390 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001427) (LeRoy Rodgers, ext. 2773)

- 34. 2008-717** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cooperative agreement with 2 one-year renewal options with the United States Department of Agriculture for Lygodium Biological Control to develop bio-control agents and to monitor the effects of these agents on the target weed and non-target vegetation in the amount of \$750,000 of which ad valorem funds of \$150,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Contract Number 4600001451) (LeRoy Rodgers, ext. 2773)
- 35. 2008-718** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with GreenScapes Incorporated of South Florida, the lowest and responsive and responsible bidder for Flat Mowing Services (East Side) within the Okeechobee Field Station region, in the amount of \$256,523 of which \$21,377 is budgeted using ad valorem funds and dedicated funds (Comprehensive Everglades Restoration Plan Fund) and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 460000XXXX) (Robert Campbell, ext. 3117)
- 36. 2008-719** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Boone Improvement Incorporated, the lowest responsive and responsible bidder, for Flat Mowing Services within the Miami Field Station region in the amount of \$390,834 for which ad valorem funds of \$59,960 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001461) (Ron Zasloff, ext. 7014)
- 37. 2008-720** A Resolution of the Governing Board of the South Florida Water Management District to modify Resolution No. 2007-1029 that authorized entering into a 330 day Memorandum of Understanding with the Miccosukee Tribe of Indians of Florida, for the preparation of the design documents, permitting and construction of the L-28 Plug Phase 1; and authorize a budget transfer in the amount of \$220,000 (Everglades Trust Fund) from Long-Term Plan STA Operations & Maintenance to Everglades Program Support to cover additional construction costs associated with the project for a total cost of \$820,000; providing an effective date. (Contract Number 460000XXXX) (Ramon Santiago, ext. 6583)

38. Board Vote on Consent Agenda

Note: Melissa Meeker abstained from Consent Agenda Item 14.

Motion made by Shannon Estenoz, seconded by Michael Collins to Approve the following item(s): 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 57

Vote called. Voting yes: Shannon Estenoz, Michael Collins, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney. Motion passed.

Workshop Agenda

Water Resources

- 39. Environmental Sciences Laboratory Relocation** - David Struve, Director of Water Quality Analysis Division, ERA Department and John Creswell, Section Leader, Construction Division, Engineering Department

David Struve, Director of Water Quality Analysis Division, presented information on the relocation of the Environmental Sciences Laboratory. He reported on the lease, the location, and lab analyses done at the existing structure. Mr. Struve discussed alternatives for lab facilities.

Mr. Rooney requested the location be moved to a safer environment on District property. The Governing Board directed staff to move forward with the lab relocation.

- 40. Lake Okeechobee Emergency Project, S65E Weir** - Cled Weldon, Director, Engineering Department, Operations and Maintenance

Cled Weldon, Engineering Department, Operations and Maintenance, presented information on S65E Weir. He reported on the funding and completion date for this project.

Executive Office

- 41. Overview of Chapter 373, Florida Statutes (Continued), Part V, Finance & Taxation** - Frank Bartolone, Sr. Specialist Attorney, Office of Counsel

Frank Bartolone, Sr. Specialist Attorney, Office of Counsel, presented information on Chapter 373, Florida Statutes, Part V.

Mr. Bartolone reported on ad valorem property tax, millage rate limitations, the District's budget, budget amendments and transfers, and investment of District funds.

Mr. Bartolone also reported on Certificates of Participation and the District's audit and financial statements.

Discussion Agenda

Water Resources

- 42. 2008-721 A Resolution of the Governing Board of the South Florida Water Management District adopting proposed FY2008-09 Millage Rates for the purpose of notifying County Property Appraisers for publication on Truth-In-Millage (TRIM) Notices; Providing an effective date (Doug Bergstrom, ext. 6214)**

Tom Olliff, Assistant Executive Director, commended the budget staff on their hard work preparing the FY09 budget due to legislation and millage changes this year.

Mr. Olliff discussed adding the Everglades land acquisition as a strategic priority. The land acquisition will restore the Everglades by:

- Acquiring land and planning projects to expand water storage and treatment options south of Lake Okeechobee to revive the River of Grass.
- Advancing construction schedules of existing key projects.
- Implementing the Long-Term Plan to achieve water quality standards.

Mr. Olliff reported on the projects anticipated to go forward in FY09, projects anticipated to go forward with changed schedules/scopes, those projects whose scale & scope need to be determined, projects proposed for construction by Army Corp of Engineers, and other previously accelerated projects being constructed by the Army Corps of Engineers.

Mr. Dauray commented on the C-43 project and the protection of the Caloosahatchee Estuary.

Ms. Estenoz asked about the USACE's integrated delivery schedule.

Kim Taplin, USACE, reported on prioritizing the projects.

Mr. Olliff reported on the updated debt service estimates for FY09 budget.

Doug Bergstrom, Budget Director, presented information on the proposed FY09 budget projects and millage rates. He reported on the tax roll update.

Staff recommendations:

Adopt, for purposes of notifying county property appraisers and for publication on Notice of Proposed Property Taxes (TRIM notice), the following rates:

District-at-Large - 0.2549 mills
Okeechobee Basin - 0.2797 mills
Everglades Const. Proj. - 0.0894 mills
Big Cypress Basin - 0.2265 mills

Motion made by Shannon Estenoz, seconded by Michael Collins to Approve the following item(s): 42

Vote called. Voting yes: Shannon Estenoz, Michael Collins, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney. Motion passed.

- 43.** Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions (Chip Merriam, ext. 6597)

This item was not discussed.

- 45.** Approve Water Use Permit Modification and Renewal of Application 060411-13 for Permit 50-00367-W, City of Boca Raton Public Water Supply for the projected demands with a 20-year duration (Marjorie Craig, ext 2987)

No presentation was provided.

Motion made by Patrick Rooney, seconded by Melissa Meeker to Approve the following item(s): 45

Vote called. Voting yes: Patrick Rooney, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz. Motion passed.

- 60.** Approve Environmental Resource Permit Modification Application 070402-30 for construction and operation of a surface water management system for a project known as Key West International Airport Runway Safety Area Surface Water Management Permit in Monroe County (Bob Brown, ext. 6283)
(Moved from Regulatory Consent Agenda Item 10 to Discussion)

Robert M. Brown, Director, Environmental Resource Regulation, presented information of the Key West International Airport Runway Safety Area Environmental Resource Management Permit. Mr. Brown provided the following information:

- Monroe County - City of Key West.
- Total Project Area 44.56 Acres.
- Permit modification for construction and operation of Runway Safety Area (RSA) improvements for the existing 9/27 runway and associated mitigation.

Mr. Brown reported on the project summary:

- Wetland Impacts 8.55 acres
- On-Site Mitigation 21.11 acres
- Improved safety for planes/passengers with no additional air traffic or larger planes.
- 60% fewer impacts than standard RSA.
- Improved flushing in created waterbodies.
- Improved hydrology in mitigation areas.

Staff's recommendation:

Construction and operation of a surface water management system to serve a project known as Key West International Airport Runway Safety Area Improvements (Application No. 070402-30).

Public Comment: Kevin Connor, URS Consulting, Key West International Aviation, commented on the mitigation of this project. He also stated this is a safety project.

Public Comment: Al Sullivan, Last Stand, reported on the protection of salt ponds (also known as Duck Ponds) in Key West.

Public Comment: Jason Totoiu, Last Stand, opposes this Environmental Resource permit. He also reported on the protection of the duck pond and opposes the west end mitigation of this project.

Public Comment: Joan Borel, Last Stand, provided a slide presentation of duck pond and the reasons why this pond should be saved. Her request is to deny this permit.

Public Comment: Russ Draper, citizen, commented on the water samples taken from the duck pond. He opposes this environmental resource permit.

Public Comment: Nicolette Kramer, Last Stand, commented on the mitigation of this project.

Public Comment: Peter Horton, Key West International Airport, supports this project and reported on the Regional Safety Area (RSA) for the airport.

Public Comment: Jacquie Weisblum, Audubon of Florida, reported on the habitat values of salt ponds.

Chair Buermann requested the salt pond be moved.

Mr. Brown provided additional information pertaining to the salt pond.

Public Comment: Bart Vernace, Federal Aviation Administration, commented on the safety design standards and Regional Safety Areas.

Ms. Meeker commented on mitigation in the Keys.

Mr. Collins commented on the safety issues of the airport.

There was further discussions between staff, a representative from Monroe County and the FAA and a condition was added to the permit as follows:

Susan Martin, Sr. Specialist Attorney, Office of Counsel, read into the record an addition to Special Condition Number 12:

Also Prior to the commencement of construction and no later than 60 days after Governing Board approval of this permit, the permittee shall submit an additional conservation easement as described on Exhibit 3.12. A legal description and sketch for this area shall be provided within 30 days of approval of this permit. The recorded easement shall utilize the form attached as Exhibit Number 3.05, except that this easement shall not prohibit trimming, pursuant to DEP authorization and fire rescue training exercises.

Motion made by Michael Collins, seconded by Patrick Rooney to Approve the following item(s): 60

Vote called. Voting yes: Michael Collins, Patrick Rooney, Eric Buermann, Charles Dauray, Melissa Meeker. Abstained: Shannon Estenoz. Motion passed.

15. Approve Water Use Permit Application 070420-13 for the City of West Palm Beach Control 2 Pump Station for the diversion and impoundment of water from the L-8 tieback canal to meet existing demands over the next five years (Palm Beach County) (Marjorie Craig, ext 2987)

Ms. Estenoz reported on the administrative process for the diversion impoundment. She requested staff work with the City of West Palm Beach to identify alternatives in emergency situations.

Mr. Merriam provided additional information on the emergency order.

Motion made by Patrick Rooney, seconded by Michael Collins to Approve the following item(s): 15

Vote called. Voting yes: Patrick Rooney, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker. Motion passed.

Executive Office

59. Discuss Rural Economic Development Initiative's (REDI) Support and Assistance in Providing an Economic Transition for the Communities Affected by Potential Everglades Land Acquisition - MaryHelen Blakeslee, Coordinator, Rural Economic Development Initiative

(Time certain - 11:30 a.m.)

MaryHelen Blakeslee, Coordinator, Rural Economic Development Initiative (REDI), provided information on REDI, and stated the agency's mission is to focus and coordinate the resources in the State of Florida on rural communities helping to address problems that affect their communities and economic viability.

Ms. Blakeslee reported since the announcement of the US Sugar transaction, REDI has coordinated working with different agencies to identify economic opportunities.

Ms. Blakeslee reported on plans for surveying small businesses and identifying their needs. Also, Ms. Blakeslee reported on the creation of a website to serve as a communications tool for the people in these local communities. FDOT will also have all of their meetings webcast to make information available to the western communities.

Chair Buermann said he is optimistic this acquisition will provide new opportunities for the Glades area.

Mr. Dauray reported on a meeting he attended in Clewiston and reported on the concerns of the Glades community.

Operations and Maintenance

46. **2008-722** A Resolution of the Governing Board of the South Florida Water Management District to authorize a one year price agreement with 2 one-year renewal options with Sugar Supply Incorporated (SSI), one of the three lowest responsive and responsible bidders for unleaded gasoline and number 2 ultra low sulphur diesel fuel in an amount not-to-exceed \$2,000,000 for which ad valorem funds of \$334,000 are budgeted; and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Price Agreement 460000XXXX) (Jerry Rude, ext. 2137)

No presentation was provided.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 46

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney. Motion passed.

47. Public Comment

Public Comment: Rosa Durando, Audubon Society, said linear impacts should be avoided and also reported on Environmental Resource Permits.

Public Comment: Alexandria Larson, citizen, commented on rock mining in Palm Beach County and also stated she has concerns about the purchase of U.S. Sugar.

Public Comment: John Marshall, Arthur R. Marshall Foundation, commented on reducing phosphorus in water.

There was Board discussion about Chris McVoy's document and a peer review of his publication.

Staff Reports

48. Water Conditions Report - Susan Sylvester

Susan Sylvester, Director, Operations Control, presented information on the District's monthly rainfall. Lake Okeechobee's water level was 9.99.

49. Ecological Conditions Report - Susan Gray

Susan Gray, Deputy Department Director, Watershed Management, presented information on ecological conditions of the Kissimmee Upper Basin and Kissimmee River. Dr. Gray reported on the St. Lucie and Caloosahatchee Estuaries. Dr. Gray reported on tape grass plantings and algae blooms in the Caloosahatchee River.

50. General Counsel Report - Sheryl Wood

Ms. Wood reported on power plant site applications submitted to DEP and the District for review. She recognized staff who are working diligently reviewing these applications.

51. Executive Director's Report - Carol Wehle

Ms. Wehle announced that Larry Carter will be acting Deputy Executive Director for Operations & Maintenance while Mr. Horne is out on medical leave.

52. Board Comment

There was no Board comment.

Closed Door Agenda

Executive Office

54. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Chair Buermann adjourned the meeting to Closed-Door Session at 1:00 pm. He reported the meeting would reconvene in 60 minutes.

Chair Buermann reconvened the meeting at 2:18 pm.

Sheryl Wood, General Counsel, requested the Board take action on the following recommendation.

Jim Nutt, Sr. Practice Expert, presented information on the resolution presented to the Board.

See Resolution No. 2008-723.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 54

Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Melissa Meeker, Patrick Rooney. Voting no: Shannon Estenoz. Motion passed.

55. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, requested the Board take action on the following recommendation.

Jim Nutt, Sr. Practice Expert, presented information on the resolution presented to the Board.

See Resolution No. 2008-724.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 55

Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Melissa Meeker, Patrick Rooney. Not present: Shannon Estenoz. Motion passed.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 55

Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Melissa Meeker, Patrick Rooney. Not present: Shannon Estenoz. Motion passed.

Adjournment

56. Adjourn

Chair Buermann adjourned the meeting at 3:10 pm.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD